

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

CRIMINAL APPLICATION NOS. 3793 OF 2006 AND 2794 OF 2006
IN
CRIMINAL APPEAL NO. 24 OF 1997

Office Notes, Office Memoranda of Coram
appearances, Court's orders or directions
and Registrar's orders.

Court's or Judge's Orders

Shri Sudhir Moharir, Advocate for the applicant.
Shri B.S. Lanjewar, APP for the respondent.

CORAM : P.S. BRAHME, J.
29TH NOVEMBER, 2006

Heard the learned Counsel for the parties.

The appeal challenging the judgment and order for conviction came to be dismissed in default so also for want of prosecution.

The present application is for condonation of delay in filing Criminal Application No. 3794 of 2006 which is an application for restoration of criminal appeal which came to be dismissed. There is delay of 69 days. The delay has been explained satisfactorily in the application and it appears that the delay has occasioned in the peculiar facts and circumstances as the Counsel who had conducted the matter for the applicant has gone abroad without there being intimating the applicant.

In the interest of justice and more particularly as it was no fault on the part of the applicant, the application is allowed. Delay is condoned.

In so far as Criminal Application No. 3794 of 2006 is concerned, again for the same reason and in the interest of justice and as the appeal is challenging the judgment and order of conviction passed against the applicant and to have adjudication of the matter on merits, the present application is also allowed. The order of dismissal passed by this Court is quashed and set aside and the appeal is restored to the file.

The appeal be listed for final hearing the week commencing from 11th December, 2006.

JUDGE

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